

National Forest Advisory Board (NFAB) Meeting

April 20, 2011

Mystic Ranger District

Members Present:

Tom Blair, Co-Chairman; Bill Kohlbrand, Tom Troxel, Hugh Thompson, Sam Brannan, Richard Brown, Doug Hofer, Craig Tieszen, Dan Hutt, Jim Scherrer, Nels Smith, Donovan Sprague, Suzanne Martley, Colin Paterson.

Forest Service Representatives:

Craig Bobzien, Dennis Jaeger, Frank Carroll, Bob Thompson, Tom Willems, Marie Curtin, Rhonda O'Byrne, Steve Kozel, Deanna Reyher, Twila Morris - Recorder.

Others:

Approximately ten members of the public were in attendance. Three Congressional representatives were also in attendance; Chris Blair (Johnson – D, South Dakota), Mark Haugen (Thune – R, South Dakota), Sandy Massey (Noem – R, South Dakota).

Members Absent:

Jim Heinert, Bob Paulson, Everett Hoyt, Jeff Vonk, Carson Engelskirger, Becci Rowe, Nancy Kile

Welcome:

Co-Chair Blair: We have a quorum; call the meeting to order 1:04.

Approve March Minutes:

Blair: Do we have a motion to approve the minutes from the March meeting minutes? Motion made by Brown second by Kohlbrand, motion carried.

Approve the Agenda:

Blair: Are there any changes to the Agenda?

Troxel: I would like to add a discussion about the proposed planning rule.

Blair: We can add that to the end of the agenda, are there any other additions, corrections? If not, do we have a motion to approve the agenda as amended? Motion made by Troxel, second made by Brown, motion carried.

Housekeeping:

Carroll: Restrooms out both doors, treats provided by the Boxelder Job Corps, we really appreciate their support.

Meeting Protocol

Blair: Busy meeting today, particularly with our hot topics. It is the chairs decision that we will include questions and comments from the public after each topic. This is a public meeting; you will address the chair if you wish to have the floor.

Hot Topics

Bark Beetle Update

Bobzien: Thank you Mr. Chair. We have two invited guests, Bill Kohlbrand who is on the Board, and Coe Foss with the State of South Dakota. We'll have them go over the progress they've made on the bark beetle response, and Dennis Jaeger will close it out with an update from the Forest Service (FS) side.

Foss: The Black Hills National Forest (BHNF) put in \$170,000 to help mitigate mountain pine beetle (mpb) activity on private lands. We've managed to spend all of that. The Custer County & Pennington County Weed & Pest Boards and County Commissioners have stepped up to the plate and agreed to handle any new requests for cost share for their landowners.

We have over 21,000 acres marked. We have 960 acres to go; we may not get all of these acres marked, quite a bit of that is up in the high country where we can't get in. We're nearly done.

Hofer: When do the trees have to be removed in order for the whole process to meet the objective?

Foss: Through the cost share, they have till May 15 to chip them, if they haul to a mill it's June 15. There is no State law for them to remove the trees. March 1 was the cut off for cutting & chunking. Almost all of the trees will be treated; a surprising number of people didn't want any of the cost share money and bore the costs of treatment personally.

Carroll: There is no more cost share money?

Foss: All of the FS money has been spent, but some County money is available in Custer County.

Kohlbrand: In the State of Wyoming, we are in a different stage of the epidemic. We were allocated \$30,000 from the FS; we have about \$500.00 left. We have \$6,000 of State & private money left too. We've surveyed 3,500 acres, spotted about 1,600 trees on private land; of that most of those are either treated or in the process. We extended our cut and chunk treatment, but are requiring some scoring of bark as well.

We've also cleaned up some 1,000 trees on State and Federal ground; so far we've picked up 850 of those with our inmate crews. The snow is still deep; we've been on snow shoes all winter. We'll keep plugging along with our crews, we won't quit. We'll get what we can, and after the

flight, the next step will be to pick up what we missed when the trees start to fade next fall – hopefully there will be a lot less bugs.

Also, the Governor's office, Save our Black Hills group, and others, have been looking at some out of the box type things, and we are looking at getting some money or permission for our crews to do a few more things with a little freer rein that we've had in the past.

Blair: if you take a tree down that has bugs in it, and you take it down in April or May, and you can't get it out till June, is there still the potential that the bug will survive and fly?

Kohlbrand: Yes, but I've seen places where we got trees cut, and didn't get them peeled, and we had zero new hits. We could see that the bugs came out but didn't fly, or at least didn't live long enough to hit new trees. The beetles can live, but you have time right up to the flight time, which in our country is up to August. As a side note, we grew a batch of beetles, and in January we had adult beetles coming out of the samples.

Bobzien: I want to thank Coe and Bill. It was very clear last fall that our Federal funding was tight, we needed to increase capacity. So for Coe and Bill and all the Counties that have stepped up, this has been an incredible response. We didn't have a road map, but people worked together, and when you look at Coe's numbers, the response has been exponential. Get well practiced because we are just getting started!

Brannan: Is there a way to get more information out to the private landowners about the other options available? As far as a lot of people know, chipping is the only option they have right now because it is hard to sell timber. Are there some public relations that could be done to let people know what their options are?

Blair: Such as a follow up survey? A lot of Counties that are handling private landowners have their bug committees in place and I would think they would be able to do a follow up survey and judge the effectiveness.

Jaeger: Our most effective beetle mitigation work is done by thinning the Forest. We have a program of 160,000 ccf starting October 1, 2010. We have advertised 85% of that and we did it early. We meet with industry every other week and are trying to get as many bug hit trees to the mills as possible before the bugs fly in August. Our last sale for this fiscal year (FY), the Palmer Gulch sale is due to sell, but it is still under appeal. We received additional funds in October 2010, for bark beetle sanitation and recon. From the aerial photos you see dead red trees, the bugs have left those, and there is no commercial value. Our goal is to identify as many of the trees as we could that are green and get them to the mill. The concentrated effort covered 20,000 acres in recon. We worked hard with industry, marked fresh hit trees, and added over 150,000 trees to existing timber sales and in campgrounds and high value areas.

The 140 acre Helicopter Logging contract on St. Elmo Peak is finished. This area is near the Black Elk Wilderness, private land, and Sylvan Lake. We removed the trees; and are still processing logs and hauling slash.

This is the first year we have done cut and chunk contracts. 9,000 trees have been dropped, trees we couldn't get to commercially. 1,000 trees in our campgrounds and other legacy trees have been identified for spraying by contract. We will also award some additional timber stand improvement contracts. The focus with the additional money is to get the green hit trees, cut and

chunk, and spraying. The public is taking the cut wood for firewood. We ask that the chunks be split or peeled immediately.

Kohlbrand: With the spread this year at 42,000 acres, mills are heavy into removal, only taking in 10% of blue wood. Is there any plan to up that percentage?

Jaeger: 35% blue wood is going in to the Hill City mill, 5-10% going into Spearfish. Industry would like the cleaner wood. Some areas are bluing faster than others. If we can get the freshly infested trees to the mill it is best. With time issues, it pushes you pretty hard. Bluing has occurred within weeks of fresh hits.

Scherrer: I have a question for Tom. Is there any opportunity to market our blue wood to Japan or someplace that could use the wood?

Troxel: The mills are looking at all opportunities to market the wood. Japan will need 2x4s and 2x6s and we don't make that wood.

The mills are interested and capable of handling more blue wood than we do. We want to keep trying to figure out ways to do it better and get in front of the bugs.

Hofer: In addition to the private forestry and the States of South Dakota and Wyoming, Custer State Park had a program to remove 18-20,000 trees this year. The cost was the difference between the value of the timber and the cost of the helicopter. It was all taken out in January and February. Most of that had not blue stained at that point.

Paterson: Dennis, you had mentioned 120,000 to 150,000 trees; I didn't catch what had been done to those.

Jaeger: Where we had active timber sales, we sent crews out to remark and double check, and they were able to identify and additional 120,000 trees, on 28 active timber sales. (Plus many more in campgrounds and other high value areas).

Blair: I've had the question asked of me of the cost difference in hiring and owning a helicopter. Why didn't the State or FS buy a helicopter?

Hofer: Helicopter logging is a very high risk operation, and you have to have professionals to do it. It's nothing you would want to do on a part time basis.

Bobzien: Helicopter logging comes at a very high cost. Custer State Park has used the helicopter in very high value areas. This was our first helicopter contract in over a decade. We had 140 acres, facing Custer State Park, scenic highway going to Sylvan Lake. This will be it for us because of the high cost.

Hofer: The actual cost to the State for a helicopter contract is about the same as it is to drop the trees and leave them in the woods. It costs just as much, for us, to get the timber down, but then it helps the economy to get it to the mill, plus it helps reduce fire danger.

Blair: Questions?

Motorized Travel Plan Update

Blair: Two weeks ago, I was invited to attend a meeting with principally campground owners to discuss travel management. There were a lot of questions, some we were able to answer. I told the group that I would call Craig and Frank Monday morning and get on this agenda. With updates and answers to the questions, we will have a longer session at our May NFAB meeting. After Greg's presentation we'll take questions from the Board, and then I'll allow the public to comment. Greg helped lead the discussion, he's no stranger to the Board, and he's a nationally recognized leader. He worked with us on trying to change the State regulations.

Greg Mumm: I'm not real fond of being here under the pretense that I'm here, the reason is that I've oft been labeled the curmudgeon, and I'm not real fond of that. I appreciate people who come with solutions. I represent folks regarding the issue of travel management. I'm obligated to try to frame the issue so that maybe we can frame the solutions. If I make someone mad, I'm sorry; I have to call it as I see it and as I'm hearing it.

Four Primary Issues of Concern:

- **Gateway Community Concept Follow-Through**
 - Recommended by the NFAB from the beginning. Talked about as a corner stone for what we need to do with the system.
 - Fundamental to the success of the trail system
 - Not a single community in the Black Hills that has an interface with this trail system, and there are few that own business that can connect with the trails.
 - Many of the campgrounds are already recognizing cancellations.
 - Secondary businesses will begin to feel the impact.
 - Enthusiasts and business owners that have been working on this are starting to feel like a pin ball – going between Agencies, trying to get answers.
 - Right in the travel management decision, the FS says that they tried to work with the communities, by sending a couple of letters, and did not get a response. The FS says it's a County issue, and the County says it's a State, or FS issue.
 - If we don't resolve this issue we'll have a catastrophic issue and failure.

Scherrer: Define failure.

Mumm: Businesses for sale. Owners right now are concerned about having to sell their business, there are solutions, but we need help. There are secondary businesses that are affected as well. And they can't get officials to give them answers.

Troxel: Why would a business feel that they have to close or sell out?

Mumm: Economic impact; if I'm a campground owner, and people thought they could ride their ATV and ride from the campground, like they did last year, and the year before, and they find out that then can no longer do that, they cancel their reservation.

Brannan: Is it the fee structure that is the concern or the availability of the connection to the trail?

Mumm: The issue is that there is no connection to the trails. And it's not just the campground

reservations that are being affected, it's also the services, gas groceries, interconnecting, all of those combined together. The system is just not there, people are calling up the business and they can't get the answers because there is so much confusion that has to be unraveled. One of the campground owners had to buy a system to route the calls because there were so many. One of the campground owners went to the FS, and we learned a whole bunch of things that were wrong. It isn't just with people that don't understand...there are two types of people, type one says "I don't know", and the other type of person says "I don't know". There is a lot of confusion that needs to get unraveled.

- **Communication/Education Breakdown**

- The website is an effort in futility. I know what the answers are, and I know what I'm looking for, but I spent an hour, and the info is so discombobulated, I couldn't find it! If I'm coming in from out of state, I couldn't do the right thing even if I wanted to. OHV is not listed under Recreation on the Black Hills website. A simple page would be a simple solution. We are not doing that, it isn't there, we need a proactive effort.
- No idea on the ground about signage that is supposed to supplement the map. You couldn't find your way to the biffy on one of those MVUMs. The color maps point out another significant problem; getting the opportunity on the ground.

- **Getting the Opportunity on the Ground**

- Setting aside the huge reduction in opportunity, what was actually designated is not even on the MVUM, so even if you set aside the change to what was and what was decided, what we have on the map is way reduced. And from the much heralded idea of the "backbone", it does not exist. The color coded map is an easy way to look at it; you have isolated pockets that do not connect to anything.
- There were nearly 100 miles of single track trail identified in the decision, and 25 miles made it to the decision, and they are individual pockets. Even if they were contiguous, if you had 200 riders show up that wanted a single track experience, a rider could ride all of the 25 miles in less than a day, so how do we get to that 100 miles. We had a business owner come to the FS and said how do we get those 100 miles on the map and they don't know either.
- Where's the plan for how we get to the 100 % of the trails that were in the decision. We need to find a way that we can all help. Is there a plan to get to the amenities to have the fee to begin with? We are two months from being full steam ahead into the system.

- **Funding Mechanism Collapse**

- The plan identified three sources of help/income; RTP grants, volunteer program, and a sticker program.
 - Volunteer program: Four months into the decision, we have no volunteer program. We have all sorts of organization that want to take part and help; with in kind labor, but we have no plan, no volunteer program.
 - RTP grant: We've spent our first RTP grant on a specialized tractor. We don't have a plan to where we will use the tractor, or if there are people to run the tractor, but we spent \$100,000 for that tractor. Are we overseeing this program, are we following in the right path?
 - Sticker program: Until the value of the product meets the expectation of the customer, we won't be successful. We've given away 100,000 maps

and sold 500 stickers. The people saw what it is and are not buying it. Our economy cannot stand for that. Somehow through NFAB, we need to step up to the plate – get a plan on how we can solve these issues.

Blair: Are there any questions?

Paterson: You don't like people who come here to whine, but it sounds like whining to me. We went through six years of planning, various groups have appealed, the decision has been made, and now some people want to change it? I don't know how many times we can change, to try to make it right. We went through the travel management process with Tom Willems in charge of that program and planning. Is there someone doing that now, is there a group in the FS that is overseeing the system?

Bobzien: Tom is still the Trails Coordinator, Rick Hudson has oversight of the permit system, and each District has staff on board and authorized to run the specialized equipment.

Paterson: Is there a committee that is overseeing the whole system, because there is lack of communication over all it seems.

Bobzien: Tom is the coordinator, but each District has a portion of the system on their District. The road crew which is a forest wide group has operators that serve the whole forest. The road crew will be operating the equipment, installing the cattle guards, etc.

Scherrer: Thanks Greg, I have a question and request. Having sat for six years on this Board and working on travel management, this is the early assessment of the implementation that we all understood to be a staged in implementation. What I would like to hear as a member, is a presentation from the FS as to the state of the FS with regard to the plan, and the status of implementation. All the things I'm hearing from Greg, I want to hear the FS respond with the status of the project. I assume Tom is the person to tell us where we are, but the people who are on the ground who are implementing so that we can hear what at the state of the Forest Service really is right now. I'm not interested in listening to someone being very highly critical, without having the FS give their point of view. I want to know what the barriers are.

Hofer: I don't think Greg is just criticizing the FS here, Greg is citing some impediments that are in the way. One of the issues that touch on these things is the status of State law in South Dakota. It was obvious that it wasn't going to work when we couldn't make changes to the OHV laws in South Dakota. Senator Tieszen made an effort, but we didn't get it done. At the point it was brought to the legislature, it was futuristic, and it was like crying wolf. Nothing bad had happened yet, so they didn't understand it.

The gateway community concept: There is no practical way to license an out of state AVT in South Dakota. That is a result of the state law. Right now if you are a resident you can license it as a motorcycle. For a non-resident to register their ATV in South Dakota is less than ideal.

The communications: The web site is so complicated, because it is complicated! You have one set of laws because it is a road, then there is the laws for if it is mixed use, part of that is driven by the disconnect to Forest Service and State law.

Funding: The sticker system is not the right way to do it, but it was only parceling out a 1/3 of

what would be available. For a non resident it's almost impossible to be licensed. I never thought that we would come close to the number of sticker sales needed. It's pretty early in the game, but I understand why Greg is bringing it up, because it's going to take a lot more sales than what we've had to make a difference.

My only point is, there is some whining there, not necessarily at the decision, but whining given the complication of the issues and not everyone holds the cards.

Blair: I would like to step away from the table as Co-Chair. I am a campground owner, I understand some of the issues, not to the degree of some of those on 385, but I have a campground in the city of Deadwood. After the meeting we had a couple of weeks ago, my daughter does all the reservations, so I sat down with her and talked about conversations she had had with visitors from surrounding areas. We don't sell our campground as a place for OHVs, because I'm surrounded by BLM land, but the trail comes fairly close, we have lost some reservations – not to the degree that some of the rural campgrounds have, but I can empathize with the down turn. We always see a down turn of business after the 5th year marker of the Sturgis Rally, and the gas prices aren't doing us any favors either.

That all been said, there is a way of working this out. Craig is in front of the right decision makers, to fix some of this, and some can't be fixed this year. Maybe make some temporary rules to get people on the trails, update the website, we can do this. Jim is right with wanting answers today, which is why it is a hot topic, so that we can come back in May with answers. Some things are fixable, and some of them never will be. We went to the Legislature, and got wrapped around the axle about small safety issues, and that got tied into licenses, and then we got beat on those issues. We didn't get beat on the trail system, and that it will produce more income than even the snowmobile system. Hill City is better than a million dollar impact; now multiply that, with whatever tourism number you can come up with, it is astounding. This was the best snowmobile winter we've had in years, but it pales in comparison to the ATV users. Let me tell you, coming from a person who deals with visitors, from Sioux Falls or out of state, if you give them a bad experience they go out and tell 10 people, that multiplier is devastating if you give them a bad experience in the industry. We need to fix it, some of it now, some of it in the legislative system.

Martley: Thank you Mr. Chairman. I'm feeling ambushed – there were a lot of people involved in this project, many of them spent six years working on it. The FS signed the record of decision, put the record on the ground, and now in one meeting, with two weeks' notice – we are calling for "let's fix it now!" We need more time, more information, I have a dozen questions...what are we really dealing with. I have heard, we heard here, two meetings ago, on the implementation; there is a lot of work going on, and it takes a long time, construction, volunteers. I would like to thank Mr. Mumm for raising the issues, we should answer Jim's question, then schedule this for some deliberate presentations, and not just an advocacy discussion.

Blair: I do not disagree with you. We talked about the length of time, the amount of stuff that was out there. What came home to roost as we went from year to year, we started the implementation in December, and no one is open in December (campgrounds in the Black Hills). It wasn't until March or April that we started to see these questions pop up. Certainly you could look at it as being a knee jerk type of reaction, but in my business if you lose a week at this end of the season, there is no way to make it up at the other end of the season.

Brannan: I'm a business person too, so I don't disagree with what the concerns are, but this has

been coming for a long time. I don't understand the surprise of the implementation; we pushed Craig to come out with a map so that people would have something in their hands. We knew the implementation was coming, we know the plan is here, we know it is defined. I don't understand exactly what you mean when you say, "This is where you can come for help," but I don't know what we can do.

Blair: This is the only place I had access to and that was to come back here because this is where we started. We've already set up a topic for next month's agenda, this is the start of the process, and quite honestly there may not be anything we can do or want to do. We have an automatic review process in place that will start this fall.

Bobzien: As Tom said earlier, we will add this topic to the May agenda. We want to discuss this process, but also Forest health, the snowmobile system, and other. These first two topics are important, because we all see that the Forest health situation is the undercurrent of things here on the Black Hills.

So, a quick report back, back to what the Board can do. The first issue was gateway communities. This is an important concept. We carried that forward, Greg was correct, that we did back off some of the areas with their jurisdictions. If the City or County chose not to act, to not say where they would want that trail, I didn't feel it was my place to decide for them. I would be willing to reconvene with the local jurisdictions at any time. Thank you Doug for your comments, because that is it really – people have some difficulty obtaining the right kind of licensing.

The second issue, communications; the website – that is on us. It sounds like we need to fix it, and we will.

The third issue, getting the opportunity on the ground; it has always been understood that it would be implemented under a staggered implementation plan.

The fourth issue, funding; we have been able to purchase the tractor, with RTP funds, and some of the materials, some of those are cattle guards for the ranchers. 68 cattle guards right now, also the concrete mats that are to protect the water ways. We have skilled operators to move forward with installing these items.

We would like to give the Board and others a detailed report. We need the guidance of the Board, the locals, and the communities. Take this home, what is that investment that you want to see, we as the FS want to work on this.

B. Thompson: Greg brings up good points, and I know there is a lot of frustration. In part, one can expect this, as we get going you can expect frustration. We do stand ready to work with folks on this. Anyone that has tried to communicate with me, I've sat down and worked with, I'm sure this is true with the other Rangers. Sometimes we can't have the solution because we don't have the jurisdiction. We did work with campgrounds, KOA at Mt. Rushmore, Deerfield Resort; we did work with them to try to bring something right to their back door. If there are ways we can do that, I want people to bring that to us so that we can resolve that. One of the issues with connecting, people were connecting on roads, and riding their ATVs on the roads. We've just made it clear to folks that we can't sanction it, we can't say ride on these roads, and we did not change the law. Most of those connections that were there weren't on a trail system, and all we do now is show it as a road.

Putting out a colored map was our first effort to help with education. I would be interested in your ideas about how we can make things better. We have quite a few trails, we've been working with the MPB and we have all these sales going on, so we won't designate the trail where we have logging activities going on.

Another area, west of the Sugar Shack is a current focus with the MPB. We are coming out with a draft EIS, so we have to figure out how to balance that; maybe done on a seasonal basis. Right now we are juggling a lot because of the MPB.

This year, we have quite a number of ATV and Full size cattle guards, so that we don't have a new problem of having cows everywhere. The FS is hiring a new operator that will be focusing entirely on the trail system.

Single track is a big issue. You point that out and it is. We met with a person interested in working on the trails. I've promised that if the trails are good to go, we'll mark the trails on the ground and open them up.

I think you are raising valid points; I know this is frustrating for you and your members; we'll have to stay focused and work together. There is a group that wants to connect up Keystone with Hill City. If they come to us with a proposal, I'll consider it, and see if we can make it happen with the NEPA and all. We need to continue to communicate and work together.

Willems: Bob makes me look good as the coordinator! From my standpoint on Greg's four issues; communication and education; we do realize that our site is very complicated. I do get a lot of questions about where we are today, what the rules are. I also get as many if not more questions about the plan. So right now our site might be overwhelming because all of the planning information is on the site as well as all of the implementation information. We are not at the point where we can transition from the planning to the implementation information only. We do have a lot of products out there, the colored map, GPS downloadable data, etc.

RTP funds from the State of South Dakota have been extremely valuable. We have 68 OHV cattle guards, 1,000 sign makers, water crossing, bridges, culverts, etc. We got \$360,000 in additional funding to help us add trails as well as to improve existing trails. We are in the process we are putting together more funding for the next couple of years.

Specialized trail equipment; we were able to acquire some specialized trail equipment. We are hiring equipment operators to handle this equipment. The C&M crew will be responsible for maintaining and installing new systems. These are specialized pieces of trail grooming and trail equipment. We have and crews – a mechanized trail crew in 10 days, can do the same amount of work that a hand crew could do in three months. We can maintain trails at a greater rate with less cost. The trail equipment we acquired was with a lot of outside revenue, it was something that was carefully considered, well discussed.

Trail permits: right now we have 1,000 trail permits that have been sold. The person that was developing that data base left us, and has not been replaced. The sale of permits has increased. One of the things we heard was that it was hard to get a permit, so Rick Hudson worked to get an online permit process. So now, people go on line and request the permits 24 hours a day. That is something we directly responded to.

Member of the Public: How do you get to that website?

Willems: Go to the welcome page for the BHNF, and that is the first thing you'll see is a link to the site.

Tieszen: Doug correctly stated that the lack of State statute contributes to all of these problems. We made a failed attempt to address these issues and I learned three things: 1) If you take an anticipatory problem to the State Legislature it is likely to fail because the problem hadn't materialized, so they don't have an actual problem. 2) If you are pitching a bill that came from the Governor's Task Force, and the Governor no longer supports it, which is what turned out to be the case, it will fail. 3) If you bring a comprehensive bill almost everyone will find something they do not like about it. I insisted that if I was going to represent it, I was going to take the whole package, so everyone found something to dislike about it.

There were many operators that anticipated that something needed to be done. Having said all that, maybe it's time now, that the problem is directly in front of us, it's time to engage other legislators, take another look at it, decide what specific things need to be done, over the summer and fall, and be ready to go with it. I have not offered to carry that bill; I would be willing to participate.

Scherrer: Mr. Chairman, what is your plan for this discussion?

Blair: It is certainly the longest hot topic to ever be on the agenda.

Scherrer: Before you end the discussion, I would like to raise my initial question; what is the action plan, state of the Forest Service?

Blair: We'll take a quick break, and then we'll come back and take short comments from the Board and audience. Re-adjourn, 2:45

Scherrer: In listening to everything, jotting things down, I'm from a business background, I liken this release of a new project to any other new business project, you try to analyze the proposed project in advance, you then develop the plan of action, you release it, and then you assess it, and begin to fix areas of the project that need to be adjusted. My comment to the folks who will be impacted by this, (the campground owners and others), would be that it is folly to say that you and your business are NOT going to be negatively impacted. I would like to draw an analysis to what is currently happening in Rapid City. In the example I have, downtown Rapid City is undergoing a major renovation. I wouldn't want to be a little business downtown right now - that is a problem which will hurt them for awhile. They have been creative about what they are doing to attract customers. I would recommend that folks get creative, it's not good, but it is the way it is. What I would like to see is a white paper from the FS, related to the implementation of the entire travel management plan, and I would like to see the white paper be realistic, that is, what is happening, and why it is not happening to the full extent. What I'm hearing here is communication. Attaching to that document the most frequently asked questions. You tell me that the FAQ are on the website, how did you come up with those questions, let's scientifically get to the bottom of things, and get those questions out there with answers. The fact is, we are not going to have a product that will meet the expectations this year. It won't happen – get that information out there.

Should the Board re-establish or re-active the Advisory Board Subcommittee on Off Highway

Vehicle use so that we can identify the barriers to success and go after this. We talked about analyzing the implementation of the travel management plan this fall, we can't wait that long. Let's get the data. We have to reduce the emotional plea we heard today by analyzing the information scientifically.

Blair: Any other short comments by the Board. If not, I'll open it up to brief comments from the people that came as guests today, and I would ask that you would identify yourself before you start speaking.

Troy Say, Nemo Guest Ranch: I don't have a comment, I have a question. What is or who is the go to people to get the gateway community on board? Is there a specific place to go to, to get that gateway community thing heading in the right direction? Is there a certain place to go to, to get forms or something? Is it the Forest Service, the County? How do I get the glue that holds this whole thing together? Who do you contact? Who has the authority that will say yeah or nay?

Bobzien: It depends on who has jurisdiction and responsibility for the route; who is the decision maker, is it the FS? If it is the Forest Service, you'll want to visit with your District Ranger, Rhonda O'Byrne, Dennis and myself. If it's the County, then the Lawrence County Commissioners are the folks who adopted the routes to be closed. If it's a State Highway, then it's the Department of Transportation. What is the intended route, and who has jurisdiction? Your secondary areas of concern are others that have common interests; other businesses, associations, maybe Black Hills Badlands and Lakes would be interested in representing your issue.

Troy Say: The process I've gone through so far with the Boxelder creek road is, I've read several letters that have been coming from the FS to the County, and the County wrote back and said that they would support this, this, and this. I have gone to the County a year ago. What they told me, and asked me about was the people that own the property on each side of the road, and that is what my process is right now. I'm going to take that petition to the County, if the County says yeah or nay, if they are ok, do I go back to the Forest Service?

Bobzien: Look at the existing map of the routes, what are the destinations, what part of the trail system would you like to see changed.

Troy Say: .6 miles is all I want changed.

Bobzien: Is it a National Forest road?

Troy Say: As far as I understand, it is a Forest road that is County maintained.

O'Byrne: It is County jurisdiction.

Troy Say: From Nemo to the Boxelder trailhead, going to a FS campground, it is already a multi use road, 1/3 of it is already multi use, how can part of it be ok and other part not?

Bobzien: I was very specific in looking at the jurisdiction of each portion, so that we would be sure that if it was State, County or whatever, that we knew we would edge match – as long as the local legislation approved.

Troy Say: And if they say yes – where do I go from there?

O’Byrne: We put the trail head as close as we could to the boundary.

Troy Say: So if I get it changed, how can I get that on your map?

O’Byrne: Come talk to me, we’ll work through it.

Carroll: There is also a matter of State law, and the Counties are subject to State law, so can they allow you to do what you want to do? Whatever the County or City says must be within the bounds of the South Dakota law.

Dawn Matson: It is hitting us very quickly. I understand that sticker sales are going up; I expect the sales to go up, like I expect my calls coming up. I’m with Mad Mountain Adventures, we rent ATVs. I license and sticker the ATVs, so the people that come to my business are ready to go. The trails that I have access to put my people on include the highways with people travel at 55 miles an hour. Public safety becomes my number one concern. I don’t just represent my little business, I have 900 customers a year, and that is a far reaching business.

I have been getting questions that I cannot answer, such as “can you recommend a loop, or a trip that takes eight hours”? My sales have just tanked, and I have to tell Black Hill reservations that I can’t host their people. My campground neighbors can’t pick up and move like I could and they are in tough shape.

What are we going to do with our 900 customers? I have to tell callers that they can’t come and ride. I had two trails last year that allowed eight hour rides, and they are gone now, both of them. Many visitors come with their own machines. I have to tell them no, and in tourism, I hate to tell anyone no; telling them no means that they won’t come back here. This isn’t just a little South Dakota thing; this is huge, that’s what I want the hot topic to be today, that this is a huge issue. Everyone has problems. We’re not here to whine, I’m asking for direction. I do thank you.

Woody Hanson SDOHVC: You need to make another effort to get the word out on the travel management plan. At the sport show, who was across the aisle from the BHNF? It was a user group that had no clue about the travel management issue. I don’t know what you need to do, but some kind of an effort needs to be made.

Blair: I need to bring this discussion to a close; again, I apologize for bringing my business into the forefront.

Bobzien: We will bring the follow-up to these questions to the May meeting; and I want to broaden the scope of this to look at what we are anticipating the need to be for all the activities. Forest health is the underpinning to the experience here, We’ll prepare this for a full agenda item in May. It’s the Chairs responsibility to appoint a Subcommittee, so that is up to you Mr. Chairman.

Blair: We will re-activate the members that are still current, and outside members, not everyone was on the previous committee, we will do that, as chairman, I would appoint Dick Brown as the Chairman for the Partnership Subcommittee, I can’t do both. I’ll be on the travel management Subcommittee. We’ll work with Tom Willems to put together a Subcommittee meeting, prior to the May meeting. Craig, because you were so integral to the legislation – and folks that is the

key, nothing is the whole answer, we started this thing years ago, people did not get involved, and when these things happen you have to get involved. And you have to tell your neighbors. We had someone from the news media here today and that is the key to getting the message out. We've done a good job. I thank you all for coming. If you wish to depart, before we start the regular agenda, you may do so, and we'll continue the discussion at the May meeting.

Scherrer: Who are the people on this Board who will be on the Subcommittee?

Blair: Jim Scherrer, Craig Tieszen, Colin Paterson, Doug Hofer, Becci Rowe and Tom Blair.; also, Bob Thompson, Tom Willems, Steve Kozel and Greg Mumm.

Brannan: For those that needed a quick response, just want to thank Supervisor Bobzien, Rangers O'Byrne, Kozel & Thompson, for the temporary solution you've offered until we get these things ironed out.

Blair: For those of you who have problems with your trails, business etc., please take your concerns to your District Ranger. That completes this topic discussion.

Regular Agenda

Bear Lodge Rare-Earth Project

Bobzien: Welcome George Byers, VP Government & Community Relations; Rare Earth Elements. George came to our last meeting and gave us a brief introduction to his Company. Today, George wants to go a little more in depth on the exploration of what the Company is doing. We'll take questions as we go through this, then we'll have Steve wrap this up.

George Byers:

- We would like to consider this and all future meetings, which are public, as the beginning of our public process.
- Signup sheet going around, please sign this sheet for our future reference.
- Held a meeting at Devils Tower on April 19 with Superintendent Firecloud.
- Passing around an example of Neodymium one of the elements we will produce at Bearlodge; this can make a magnet that is very small, and very high strength.

Rare Earth Elements Presentation (1)

- Six federal comprehensive studies on critical minerals and materials and their application in clean energy and technology – technology minerals, all have said we have an emergency, and we need to figure out how we develop a domestic source of these.
- Rare Earth Elements (REE) are an unusual group of metallic elements with unique properties: chemical, catalytic, magnetic, metallurgical and phosphorescent.
- REE uses in high strength magnets are in high demand – includes neodymium, praseodymium, dysprosium and terbium.
- REE are critical and enabling for many emerging Green Energy technologies, High Tech applications and Defense systems; examples include hybrid cars, plug-in hybrid missile guidance systems, lasers and cell phones.
- Total demand for REE is expected to grow from 125,000 tons in 2010 to 205,000 tons by

2015, and over 280,000 tons in 2020; a growth rate of 10% per year.

- China wants to create major wind turbine, solar panel, and electric car industries.

Brannan: How much are you mining to get 20% of what you are after?

Byers: We hope to produce 20,000 tons of rare earth oxide per year from open pit mining.

Brannan: So its 365,000 tons to get 20,000 tons, is that correct?

Byers: Yes, that's about right.

Rare Earth Elements Presentation (2) – Environmental Baseline Program

- General location of project; north of Sundance Wyoming.
- Land Ownership; mostly Forest Service, some state and private.
- Phase 1 Pit; would take the company out to about year 10. Pit would be a mile long, ¼ mile wide.
- Final Pit; slightly bigger, open pit mine.
- Waste rock storage area
- Process flowchart
- Schedule: Hope to have our data collected, in the middle of our pre-feasibility study, and hope to complete the full feasibility study by 2012. Will have about 30 employees in Sundance this summer. Building an office in Sundance, have secured an office in Denver for our World headquarters.

Scherrer: Why are we getting this information?

Kozel: The Mineral Policy in the Forest Service is to “foster and encourage minerals development”. When it comes to a company that files a claim, we are to work with them to develop the resource. The 1872 mining law: That is just one piece of the law that we have. We have laws related to locatable minerals, leasable minerals, etc.

Typically an individual or company files a mining claim, filed with the BLM; they are the record keeper for those property claims. Once the claim is filed, the claimant can pursue exploration and discovery. One of the things about mineral claims, they're bought and sold, and traded, so they have value.

Once a claimant wants to do exploration work, they have to develop a plan of operations, and the line officer responds back to the company, and our response is to not say no. We can say we need additional information, or we accept.

Once we go through the public involvement, and accept the plan of operations, we inform the public of what we are going to do, and then at some point in time, we issue a decision. Once the decision is issued, the company goes out and does their exploration. If the company finds mineral s of value and they want to go after them, they have to submit a plan of operations.

This area has been explored many times since 1876. There have been people looking for gold,

silver, you name it. They looked for uranium, and ended up finding rare earth. In the 60's we had a number of companies in this area.

The decision that was signed allows the company to drill and trench. In 2009, 40 to 50 drill sites were approved, in 2010 80 drill sites, and 80 drill sites in 2011. Not all of those are drilled in one year.

Scherrer: Is there any private land in the area?

Kozel: Yes some, but mostly Forest Service.

Brannan: 20 square miles?

Kozel: 32,000 acres

Hofer: What river does this drain into?

Kozel: The Belle Fourche River.

Sprague: The Belle Fourche goes into the Cheyenne, and the Cheyenne goes into the Missouri.

Brannan: What was the "why are we hearing this"?

Kozel: Because there is a possible mineral development that will be a large impact, so this is for your information, a very large open pit mine.

Byers: China produces 97%, and America has one mine. Bearlodge will become America's second rare elements mine.

Scherrer: You are a Canadian company?

Byers: We are moving our US headquarters to Lakewood, Colorado.

Hofer: What percent of minerals will the mine provide?

Byers: 150,000 tons are consumed globally; by 2020 300,000 tons will be consumed globally. By 2020 we'll be producing 20% of that.

Kohlbrand: How did you come to pick the state section for the processing plant?

Byers: It is barren, no minerals below it. We'll have to do some drilling on the site at the state section to condemn it or not. It will be a good news bad news thing. If we find we have ore there, we'll have to make a change.

H. Thompson: Do you recall that I introduced you to the grazing permittee up there. It looks like there is a considerable interruption of other uses. What is the policy to reimburse other existing uses if the impact is too great?

Kozel: We will analyze those affects, I don't know if there is any economic reimbursement.

There are some things we can do in terms of mitigation, such as say, in terms of loss of wetland value, and I don't know how it will be with reducing numbers, etc.

H. Thompson: You look at those 32,000 acres that might be for gold, which is valuable. There seems like there would be some kind of reimbursement to the permittee or others who are sacrificing.

Byers: I've been in the mining business for a long time, and we've had some impacts in the past and yes, there was a compensation formula with the BLM anyway.

Martley: The FS policy with regard to mining is to foster, etc., so the FS does not have any role in permitting any of this, correct? So you do the Environmental Impact Assessment, and in the next stage, in your analysis, do you have authority to require mitigation, to require different plans, so what are the kinds of things that the FS does have the authority to request?

Kozel: What we have is the next round of Environmental Assessments and decision making where we will analyze the effects on a whole slate of resources. We could require the company to purchase wetlands, or enhance wetlands, for example. Facilities, if there are unacceptable impacts to cultural resources, we would have to look at where that facility would be, access roads, utility corridors. We have a lot of discretion in saying where things occur and how things are mitigated.

Martley: In the FS hierarchy of values, the 1872 mining law trumps everything else, but you do have FLPMA, and everything else that says you have to manage grazing, recreation, etc., so when you do your analysis how do you marry that?

Kozel: What forms the basis to say that you are in compliance is your EIS; the information is then carried into the record of decision.

Martley: Are there other Agencies commenting on this too?

Kozel: Yes, they are all involved, for example the State EAQ, they will all be involved.

Firecloud: There are huge issues involved with this plan including groundwater, air quality, etc., that all may have negative impacts. The night sky is another worry, what are the impacts of the lights? One of the things we are doing is installing night sky friendly lighting, lighting that is pointing downward. The plant will be operating 24 hours a day for the next 100 years. I had no idea that you had already been doing ground disturbance. Tribal consultation should be done before other things should be allowed to be done. There hasn't been any Tribal consultation that I am aware of. The name of the mine is another issue; we've had articles show up in the paper that call it the Devils Tower Mine. When people hear "Bearlodge" they make that connection. So that is one thing we've asked for is a change to the name.

Kozel: This topic has been presented at previous consultations with the Tribes.

Firecloud: When you start doing the ground disturbance, maybe you could get the Tribe out there, they are qualified and could be there to monitor the review.

Kozel: We have done the compliance work, according to the SHPO, and the Wyoming PA.

Firecloud: There are also studies to be done regarding the health issues possible around that

kind of mine. I have Park employees that live within the area year round.

Kozel: If this proceeds, it will be a cultural change for that area; it will dramatically change the setting there.

Firecloud: There are also positive aspects; 100 new jobs with very decent wages. I think it is important to really take a look at all of this stuff. This Board should help with this decision.

Sprague: Would you please clarify the 60% of the tailings, where they went, what steps are taken to prevent it from getting into the ground water. And how far is the Belle Fourche River from the site?

Kozel: We are at the top of Beaver Creek; we are probably 20 to 25 miles from the Belle.

Byers: 60% will remain, 40% will be removed, and the tailing facility will be done completely different than it was in the past. It will be done at a high standard.

Scherrer: Thank you for coming to the Board and giving this information, and educating us on this change that is forthcoming. I will be interested in seeing how this comes through. Additional information is always helpful. I know there are a lot of experts involved, and I'm glad that we're on the sidelines.

Byers: China has a number of these; Australia has one coming on line, and Mountain Pass California has one. This is a unique national resource.

Partnership Subcommittee Report

Blair: Preliminary meeting two weeks ago. Substantial discussion about why we were appointed to the Subcommittee. When we finally got those questions answered, we moved forward. We put much of the stuff back in to Toms lap, we have another meeting on the 27th here at this office 3:30 – 5:00. We expect to bring forward our recommendations to the Board in a month.

Willems: We are also following up on the previous partnership panels, and asked what does success look like? The Forest Service and the Subcommittee are pretty familiar with what it will take to develop a successful plan.

Partnership Strategy:

- **Goal:** The only way to make Forest Service programs work is with partnerships and volunteer support.
- **Purpose:** Provide strategic guidance for the FS in developing the volunteer program, and evaluate and assess our current program.
- **Objective:** Effectuate change – get results.

Next Meeting, April 27, 3:30 pm. Mystic office, we are also holding May 4th open for a final Subcommittee meeting if needed.

Blair: The meeting is not closed, anyone from the Board can come, feel free.

Willems: One action item was that because of the different aspects of what would make up a plan, the decision was that I develop a template for the plan which has been mailed out. That will be the agenda item for April 27th. If we have the May 4th meeting, we'll use it to put together recommendations for the May NFAB meeting.

Smith: Tom could you resend that e-mail to me please?

Blair: Anything else to come before the Board.

Troxel: For the benefit of Jim Scherrer, my question is what is the Boards appropriate role relative to the proposed planning rule? The back ground is that the FS has published a proposed planning rule – which is the process used to for Forest planning. It took 16 years to revise the first plan. It was discussed at the February meeting; presentation at the last meeting, comment period closes before our next meeting. There are a lot of significant issues in this proposed rule. What is our appropriate role, should we submit comments as a Board? We should at least ask ourselves this question.

Brannan: Isn't that time line quick?

Troxel: Yes, May 16.

Bobzien: My recollection of the notes from that meeting was that the proposed planning rule was that there are significant areas of concern, and very detailed information in many different areas. It was deemed that there wasn't enough time to have the group comment. That is why we did not have a group to go forward with that; but if the Board wants to take that on, it would be perfectly within the purview of the Board, but that would be a major undertaking.

H. Thompson: This is one of the few advisory Boards around the Nation and I think we would be remiss if we didn't try to agree on at least certain aspects of the plan. I agree it is extremely complex, but that is one thing we could agree on is that is sure won't simplify the planning process. I don't think that under the multiple use shield spiritual sustenance is one of the things we manage for. Just the complexity of this thing maybe is something the Board should address. We can't get into all aspects of it I agree. This will affect the future of Forest management for a long, long time.

Carroll: There is some precedence in which those Board members do address the issues they have, and then independently or as a group, send in comments that don't result in Board consensus, but as just comments to the Forest Service, relative to the rule. In other words, Tom can say whatever he wants to, and you could approach it that way. Those who wanted to comment could.

Paterson: It's so complicate and so late, there is no way the Board can address it, it's a waste of time to discuss this.

Blair: I would ask those members, who have the ability and desire, to bring their comments to the next meeting.

Scherrer: Frank is right on with the precedence that we had, if individual members' write their

comments, they represent only them, not the board; but for us to have everyone draw them out and then bring them in here on the 18, it won't happen. I would do what Frank said and have folks who want to address it go for it.

Blair: If they choose to write an opinion, do they have to have it submitted by the 16th.

Carroll: Yes.

Martley: I'm having difficulty with this. I've served on other National Boards, and this one has a capacity to build consensus like no other Board I've ever seen; but we do all represent intersects. I have a stack of comments, from environmental groups that I have not had time to read. I second what has been said that we don't have time to do this as a Board. I'm sure that Tom wouldn't like me to write in and say that I'm speaking as the Board. By speaking as the board and not the constituent group we represent, that is not right.

Carroll: It was determined by GSA that you may represent yourself as a member of this Board, not speaking for the board, but giving your opinion.

Hofer: Hugh was dead on, in that it too complicated. I tried to read it, and I don't have a clue what I read. To try to comment on something that none of us understand is ridiculous.

Brannan: I don't know that it would be bad to comment, but I'm a little confused about how we would comment. Sometimes this Board does get involved with regulations; example is when we commented on the open space issue. I think we would be remiss if we did not comment.

Smith: That's come up consistently; a blind man can see that our positions will be in conflict. The thing we are in agreement on is that this is a monstrous far reaching undertaking, on a short fuse. We need more time; I move that the Board request an extension of the due date.

H. Thompson: I second that motion.

Blair: The previous plan started in 1989, and passed in 2007 – I don't think it's inappropriate to ask for an extension. We don't meet in July; we have a field trip in August.

Scherrer: Who does this letter go to?

Bobzien: [To Chairman Blair] You do work for the Secretary of Agriculture.

Paterson: 90 days is way short, I don't think we would get any resolution, I think it will take a life time.

Hofer: Will you understand it any better in 90 days than you do right now? The comment that we could agree on is that it is so complex that it is so difficult to comprehend, and impossible to have anything meaningful to say about it.

Scherrer: What purpose is it to send a letter to say that it is too complex for us to comment on?

Smith: I hope that I didn't give any implication that I meant that.

Troxel: If there were a 90 day extension, there are some things that we agree on, the time, the

involvement, for folks like me I get paid full time to monitor stuff like this; it's hard for people to track this stuff. Using that as supporting rationale to request an extension, would give us time to work through and arrive at some overarching comments.

Blair: The 90 days puts us into the middle of July and we don't meet in July.

Troxel: We need to arrive at response by the June meeting.

Smith: Even if we are successful at arriving at a few points, the complexity will take every interest group to get our heads around it.

Martley: This board has been a part of the conversation on this planning rule for more than a year. There was a round table meeting in 2010, we attended. There have been back and froths between then and now. The federal register came out in mid February, and there was another big Regional meeting here in Rapid City. It seems kind of embarrassing to ask for a 90 day extension when we've had the Federal official's right in our back door.

Brannan: They did come to this Board, but they didn't allow us to ask questions.

H. Thompson: This is the first time that we've met since they were here.

Blair: I have a motion and a second on the floor to request a 90 day extension. All in favor say aye, all opposed nay – they aye's have it the motion is carried.

Blair: Who writes the letter?

Carroll: I will. [Note: Letter done and sent to Tom Blair on April 22, 2011]

Public Comments

Co-Chairman Blair: No one from the public is left! Thanks to the reporter from the BH Pioneer, Mark VanGerpen, for being at the meeting today.

Blair: Could I have a motion to adjourn the meeting? Motion made by Colin Paterson, second by Donovan Sprague; meeting adjourned 5:00 p.m.

Next Meeting:

May 18, 2011